

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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GABRIEL MESA,

Plaintiff(s),

v.

JEFFREY S. NARDIELLO, et al.,

Defendant(s).

Case No. 2:14-CV-1662 JCM (NJK)

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Koppe. (Doc. # 7). No objections have been filed, and the deadline for filing objections has now passed.

Plaintiff filed an application to proceed *in forma pauperis* (“IFP”) on October 10, 2014. (Doc. # 1). The court denied that application without prejudice because it was incomplete and instructed plaintiff to submit a new, complete application or pay the filing fee. (Doc. # 2). Plaintiff submitted the new application. (Doc. # 5). It was still not complete. The court denied the application with the same instructions, advising plaintiff that failure to comply could result in dismissal. (Doc. # 6). Plaintiff has not complied or moved for an extension of time. Accordingly, Judge Koppe recommends that the court dismiss the action without prejudice.

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149

(1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's recommendation, then this court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to which no objection was filed).

Nevertheless, this court finds it appropriate to engage in a de novo review to determine whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation and underlying briefs, this court finds good cause appears to ADOPT the magistrate judge's findings in full.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and recommendation of Magistrate Judge Koppe, (doc. # 7), be, and the same hereby are, ADOPTED in their entirety.

IT IS FURTHER ORDERED that the instant case be, and the same hereby is, DISMISSED without prejudice to the plaintiff's ability to commence a new action in which he either pays the filing fee or submits a completed application to proceed *in forma pauperis* along with the supporting documents.

DATED August 31, 2015.

  
UNITED STATES DISTRICT JUDGE